

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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PCT

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NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

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EXCIPATE

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Applicant's or agent's file reference
P04541000

IMPORTANT NOTIFICATION

International application No.
PCT/JP 03/10520

International filing date (day/month/year)
20.08.2003

Priority date (day/month/year)
21.08.2002

Applicant
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P04541000	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/JP 03/10520	International filing date (day/month/year) 20.08.2003	Priority date (day/month/year) 21.08.2002
International Patent Classification (IPC) or both national classification and IPC H04L29/12		
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD. et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 17.03.2004	Date of completion of this report 30.11.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Raible, M Telephone No. +49 89 2399-7309 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/JP 03/10520**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-29 as originally filed

Claims, Numbers

1-14 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☒ the entire international application,

☐ claims Nos.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1,8,10,11 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

III Non-establishment of opinion with respect to novelty, inventive step and industrial applicability

1 In its present form, the application does not fulfill the requirements of Article 6 PCT in an extent that does not allow to decide about novelty or inventive step.

1.1 The independent claims 1, 10, and 11 do not fulfill the requirements of Article 6 PCT because of lack of essential features. As the description indicates, (page 18, line 15 to 18) the IP address of the address management server has to be used as the destination address of the inquiry sent by the terminal.

Said claims should therefore be amended in a way that makes clear that the network address of the address resolution server is used for sending the inquiry to the server.

1.2 Furthermore, claim 10 does not fulfill the requirements of Article 6 PCT, because it is (a) not sufficiently clear and (b) is not supported by the description as its scope is broader than justified by the description and drawings. The following passages describe the clarity problems:

The term "a terminal device" in line 4 could refer to any terminal anywhere in a network.

The term "the terminal device" in line 5 might refer to the local terminal, the remote terminal or to both terminals. Therefore, it is ambiguous.

The remaining part of the claim does not make clear that (a) the inquiry is sent by the local terminal, (b) the inquiry contains the MAC address of the remote terminal, and © the address management server returns the IP address corresponding to the MAC address of the remote terminal to the local terminal.

1.3 In its present form, claim 8 does not fulfill the requirements of Article 6 PCT, because it is (a) not sufficiently clear and (b) is not supported by the description as its scope is broader than justified by the description and drawings. The reasons are the following:

The passage describing the registration procedure in the last paragraph of the claim states that a control unit "adds the MAC address to the conversion table together with a corresponding IP address". The term "a corresponding IP address" does not clearly define which IP address is meant.

The following passage "and which ... conversion table" is broader than justified by the description, because it might e.g. also refer to an address allocation procedure using a DHCP server. The claim does not describe the inquiry procedure as pointed out in the description, which could have been achieved e.g. by using an expression like "... and which, when an inquiry for the IP address of a remote

terminal is made by a local terminal, whereby the inquiry contains the MAC address of the remote terminal, gives a notice of the IP address of the remote terminal back to local terminal, if the IP address is present in the conversion table."

The same objections apply to the corresponding passages in claim 11 (page 34, line 3-9).

Further Observations on the International Application

- 1 As explained below, some of the features in the apparatus claim 1 relate to a method of using the apparatus rather than clearly defining the apparatus in terms of its technical features. The intended limitations are therefore not clear from this claim, contrary to the requirements of Article 6 PCT.

Claim 1 uses method terms in the complete last paragraph of the claim, e.g. "when it is detected", "is sent to", "make an inquiry" ...). The objection has not been resolved, e.g. by description of the apparatus by a combination of means and their functional properties (e.g. comprises means adapted to receive, to send etc.).

The same objection applies to claims 4, 6, 7, 8, 9, 11, 12, and 14. The objections have not been resolved, e.g. in a way similar like the one mentioned for claim 1.